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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1661 OF 2006
IN
INCOME TAX APPEAL (LOD) NO.672 OF 2006

The Commissioner of Income Tax ..Appellant.

V/s.

M/s.Birraj Textiles Ltd. ..Respondent.

Mr.A.S.Rao with P.S.Sahadevan for appellant.

Mr.J.D.Mistry with Raj Darak for respondent.

CORAM : F.I.REBELLO AND
J.P.DEVADHAR, JJ.

DATED : 22ND OCTOBER, 2007.

P.C. :-

There is a delay of 696 days in preferring the appeal. There is affidavit of Mr.P.P. Kishinchandani in support of the Motion. The order of the I.T.A.T. dated 29/9/2003 was received by the CIT-III, Mumbai on 23/1/2004. The Chief CIT granted approval on 25/3/2004. The file was sent to the Ministry of Law on 25/3/2004. The draft appeal memo was received on 17/5/2005. There is no explanation whatsoever for the delay between 25/3/2004 and 17/5/2005. Considering the cause shown, in our opinion, the same would not amount to sufficient cause. Hence Motion is dismissed.

(J.P.DEVADHAR, J.) **(F.I.REBELL0, J.)**